

## REMARKS/ARGUMENTS

Claims 1-19 are currently pending in the application. Claims 1-6, 8, 9, and 11-19 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,286,038 to Reichmeyer in view of U.S. Patent No. 6,208,629 to Jaszewski et al. Claims 7 and 10 have been rejected as allegedly being unpatentable over Reichmeyer and Jaszewski, in view of U.S. Patent No. 6,917,819 to Collins.

Applicants respectfully request reconsideration of the present application. As a preliminary matter, Applicants have amended the specification to address the Examiner's objection. Applicants have also amended the claims as set forth above. For example, Claim 1 has been amended to state:

1. In a wireless network system comprising at least one wireless access element for communication with at least one remote client element, wherein the at least one wireless access element is operative to transmit neighbor messages, and at least one central control element for controlling and managing wireless connections between access elements and remote client elements, a method facilitating the initialization and configuration of an access element, comprising

monitoring, at a wireless access element, for wireless neighbor messages from one or more neighboring wireless access elements, the wireless neighbor messages identifying a corresponding computer network address of at least one central control element;

selecting a central control element identified in one or more detected wireless neighbor messages;

transmitting, using a corresponding computer network address, a request to the selected central control element; and

associating the wireless access element with the selected central control element to cause the selected central control element to manage wireless connections between the wireless access element and one or more remote client elements.

The claimed subject matter provides a mechanism for a wireless access element to wirelessly discover one or more central control elements, and to associate with a selected central control element to cause that central control element to manage wireless connections between the wireless control element and one or more remote client elements.

Applicant has underlined various sections of claim 1 to draw the Examiner's attention to some of the claim language that distinguishes the claimed subject matter from the cited prior art. Specifically, claim 1 states that the monitoring step is performed "at a wireless access element." In the monitoring step, this wireless access element monitors for wireless neighbor messages "from one or more neighboring wireless access elements."

Furthermore, claim 1 also includes "associating the wireless access element with the selected central control element to cause the selected central control element to manage wireless connections between the wireless access element and one or more remote client elements." Applicants also draw the Examiner's attention to independent claims 11 and 14 which include similar limitations to claim 1. As discussed in more detail below, the cited prior art, either alone or in combination, fails to disclose the claimed subject matter.

**Independent Claims 1, 11 and 14 are Allowable over the  
Proposed Reichmeyer- Jaszewski Combination**

To establish a prima facie case of obviousness, "the prior art must teach or suggest all the claim limitations." MPEP § 2143; see also MPEP § 2143.03 ("To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

Relative to the independent claims, the Examiner primarily relies on Reichmeyer for its disclosure a remote configuration system for network devices. The Examiner relies on Jaszewski merely for its disclosure of access points that transmit "where are you" and "I am

here" messages as part of a process that determines channel interference and channel assignments based on detected channel interference.

Neither Reichmeyer nor Jaszewski, however, disclose "monitoring, at a wireless access element, for wireless neighbor messages from one or more neighboring wireless access elements, the wireless neighbor messages identifying a corresponding computer network address of at least one central control element." Reichmeyer merely teaches a system for remotely configuring a network device. For example, Reichmeyer teaches a central configuration server that generates and returns device configuration information to remote network devices that request it. See Reichmeyer, Col. 1, lines 25-44. Network devices learn about the central configuration server during DHCP transactions. See Reichmeyer, Col. 4, lines 31-43; see also Figure 8 & Col. 7, line 59 – Col. 8, line 1. That is, as Figure 8 illustrates, a network device obtains the identity of the central configuration server during an initial exchange from the DHCP server. The network device communicates identifying information, including information it learned during neighbor discovery, to the central configuration server. Accordingly, Reichmeyer does not disclose a system where a wireless access point monitors for wireless neighbor messages from neighboring wireless access points. Rather, in Reichmeyer, the network devices obtain the identify of the central configuration server during an exchange with a DHCP server. Furthermore, in Reichmeyer, neighbor discovery is used to collect information about the peers that a network device detects to allow the configuration server to determine a role or other configuration parameter for the network device. Further, the Examiner merely relies on Jaszewski for its use of wireless messages between access points; however, Jaszewski does not teach that the wireless messages identify a central control element.

Still further, neither Reichmeyer nor Jaszewski disclose "associating the wireless access element with the selected central control element to cause the selected central

control element to manage wireless connections between the wireless access element and one or more remote client elements." As discussed above, Reichmeyer teaches a central configuration server that provides configuration information to network devices that request it. Neither Reichmeyer nor Jaszweski disclose a central control element that manages wireless connections between access elements and remote client elements, or a wireless access element that selects a central control element identified in wireless neighbor messages, and associates with a selected central control element "to cause the selected central control element to manage wireless connections between the wireless access element and one or more remote client elements." Rather, in Reichmeyer, the central configuration server merely provides configuration information. Reichmeyer does not appear to teach a system where the central configuration server "manages connections" or controls the operations of the network device after it has been configured.

The claims that depend from claims 1, 11 and 14 are also allowable for the reasons set forth above. However, the dependent claims are also allowable for other reasons. For example, claims 3 and 16 are directed to a system that attempt to discover the identity of central control elements in two manners—a first through monitoring of wireless neighbor messages that identify central control elements, and a second through active discovery over a wired computer network. Neither Reichmeyer nor Jaszewski teach the attempted discovery of a central control element using both wireless and wired networks. In addition, claim 5, which depends on claim 3, states selecting a central control element identified in a wireless neighbor message and a discovery response. The cited art does not teach a system that selects a central control element that is discovered using both wireless and wired network discovery mechanisms. Furthermore, as to claim 8, the Examiner appears to have ignored the limitation that "the exchanged information allows for operation in an access point mode under the control of the selected central control

element." Accordingly, claims 3, 5, 8 and 16 are independently allowable over the proposed Reichmeyer-Jaszewski combination.

Furthermore, the Examiner has failed to allege a sufficient motivation to combine Reichmeyer and Jaszewski as claimed.

The M.P.E.P. sets forth the strict legal standard for establishing a prima facie case of obviousness based on modification or combination of prior art references. "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references where combined) must teach or suggest all the claim limitations." M.P.E.P. § 2142, 2143. The teaching, suggestion, or motivation for the modification or combination and the reasonable expectation of success must both be found in the prior art and cannot be based on an applicant's disclosure. See *Id.* (citations omitted). "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art" at the time of the invention. M.P.E.P. § 2143.01. Even the fact that references can be modified or combined does not render the resultant modification or combination obvious unless the prior art teaches or suggests the desirability of the modification or combination. See *Id.* (citations omitted).

To support the proposed Reichmeyer-Jaszewski combination, the Examiner merely alleges that it would have been obvious to include the wireless neighbor messages of Jaszewski in the system of Reichmeyer "for the purpose of easing network management."

Appl. No.: 10/726,437  
Amdt. Dated February 2, 2007  
Response to Office Action of November 2, 2006

The proffered reasoning demonstrates that the Examiner has engaged in impermissible hindsight reasoning. This rationale falls far short of the strict legal standard required by the M.P.E.P. Distilled to its essence, the Examiner is basically alleging that one would have been motivated to combine the teachings of Jaszewski with Reichmeyer to make things easier. Accepting this rationale, however, would render the motivation requirement a nullity as ostensibly almost every invention involving a combination of known elements makes something easier. Moreover, the Examiner points to nothing in the prior art the specifically suggests or teaches that network management would in fact be "easier" by combining Jaszewski with Reichmeyer to achieve the claimed combination.

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case. If the Examiner believes that any further action by Applicant is necessary to place this application in condition for allowance, Applicants request a telephone conference with the undersigned at the telephone number set forth below.

Respectfully Submitted,  
LAW OFFICE OF MARK J. SPOLYAR  
By

*/Mark J. Spolyar/*  
Mark J. Spolyar  
Reg. No. 42,164

Date: February 2, 2007  
Customer Number: 30505  
Law Office of Mark J. Spolyar  
2200 Cesar Chavez St., Suite 8  
San Francisco, CA 94124  
415-826-7966 / 415-480-1780 fax